



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,017	07/20/2001	David H. Hanes	10010903-1	3500
7590	09/24/2004		EXAMINER	
			ZHOU, TING	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,017	HANES, DAVID H.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 June 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 17 June 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. The amendment filed on 17 June 2004 have been received and entered. Claims 1-20 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dimitrova et al U.S. Patent 6,137,544.

Referring to claims 1, 7 and 14, Dimitrova et al. teach a method and system comprising a processing module and scene detection information storage logic operatively associated with the

processing module (column 4, lines 29-37 and shown by reference character “210” in Figure 2A) and operable to receive video data (receiving video content to be analyzed and indexed) (column 2, lines 50-53), identifying scene candidates from received video data (detecting significant scenes from the video content during the video analysis process) (column 2, lines 51-58), formatting the scene candidates for storage on optical storage media (extracting a representative frame, i.e. the keyframe, for each scene and filtering the keyframes to create a visual index on a storage media such as a tape or DVD) (column 2, lines 37-65), the optical storage media having a recordable capacity (such as a DVD, CD or tape, which can be recorded) (column 2, lines 37-38), and storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity (creating the visual index on a predetermined portion at a selected area on a pre-existing tape, i.e. DVD; since the tape has this predetermined area on the DVD set aside for storing the visual index, no recordable capacity of the DVD has been compromised) (column 2, lines 35-67 through column 3, lines 1-44).

Referring to claims 2, 8 and 15, Dimitrova et al. teach the formatting performed utilizing one of the group consisting of VOB and UDF formats (storing the data structure in numerous formats, such as MPEG, JPEG, or the like, which could include VOB and UDF, which are just types of data structures) (column 2, lines 66-67, column 3, lines 1-4 and 44-54).

Referring to claims 3, 9 and 16, Dimitrova et al. teach receiving video data from one of the group consisting of a video camera, video recorder, and a digital data stream (for example, video data from a tape or DVD) (column 1, lines 61-63).

Referring to claims 4, 10 and 18, Dimitrova et al. teach the media structure comprises disc control blocks on the optical storage media (storing the index on a DVD) (column 2, lines 66-67 and column 3, lines 1-4).

Referring to claims 5 and 11, Dimitrova et al. teach indexing the scene candidates after storing the scene candidates (creating a visual index from selectively chosen keyframes) (column 2, lines 59-65).

Referring to claims 6, 12 and 17, Dimitrova et al. teach the formatting includes indexing the scene candidates into a menu (table of contents) system (indexing the scenes into a visual index, or table, which can be displayed to and selected by the user) (column 1, lines 56-60 and column 13, lines 26-35).

Referring to claims 13 and 19, Dimitrova et al. teach the logic implemented using software residing on a computer-readable medium (column 4, lines 29-37 and column 13, lines 25-28).

Referring to claim 20, Dimitrova et al. teach the logic operable to generate a list of scene candidates (visual index or table of contents) (column 1, lines 56-62).

Response to Arguments

3. Applicant's arguments filed on 17 June 2004 have been fully considered but they are not persuasive.

Art Unit: 2173

4. In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that some of the features upon which applicant relies (i.e., Dimitrova et al. fail to show any process or feature of the index, including how the index is created on a medium or where on the medium the index is created) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The applicant asserts that Dimitrova et al. is silent as to any process or feature of the index, including how the index is created on a medium or where on the medium the index is created. However, the independent claims, as presently recited in the independent claims, does not disclose any limitations regarding a process or feature of a visual index, including how a visual index needs to be created on a medium or where on the medium the index is created. The claims simply recite that formatted scene candidates are stored on a optical storage media in a media structure without reducing the recordable capacity.

5. Furthermore, the applicant asserts that Dimitrova et al. do not teach or suggest "storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity", as recited in the independent claims of the applicant's invention. However, there is no explanation in the recitation of the independent claims of how the formatted scene candidates are stored on the optical storage media without reducing the recordable capacity. As described in the specification of the application, the optical storage media "includes an area allocated to store additional information that maybe used for interchange between data interchange parties that does not reduce the recordable capacity" (page 10, lines

Art Unit: 2173

25-28). Therefore, there is an area on the optical storage set aside to be used for storing formatted information instead of being used as part of the recording capacity. In the Dimitrova et al. reference, it is disclosed that the visual index created by formatting the video content via extracting and filtering keyframes may be created on a pre-existing tape or while a tape is recording (Dimitrova et al.: column 2, lines 37-65). Dimitrova et al. further teach that the visual index is created on a selected predetermined portion of the tape (Dimitrova et al.: column 2, lines 37-45). Therefore, the optical storage media, such as the tape, DVD, etc. of Dimitrova et al. is partitioned so that a selected structure, or area, on the tape, DVD, etc. is used for storing the formatted video content, represented by the visual index, instead of being used for recording information. Since the visual index is only stored in this predetermined portion set aside for storing such information, it does not use the other portions of the tape and thus the recording capacity of the tape is not comprised. Although there are no specific limitations in the independent claims describing how formatted information is stored on the optical media without reducing the recordable capacity, the method of setting aside a predetermined area on the tape to be used for storing the visual index taught by Dimitrova et al. is similar to the method of allocating an area for storing additional information, described in the specification of the application. Therefore, it can be seen that the Dimitrova et al. reference anticipates the subject invention.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2173

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

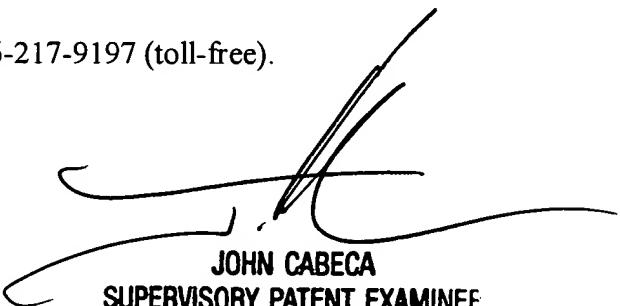
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328 through the month of October, 2004 and (571) 272-4058 thereafter. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (703) 308-3116 through the month of October, 2004 and (571) 272-4048 thereafter. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-8720 through the month of October, 2004 and (571) 273-4058 thereafter.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19 September 2004



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100